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**FILED
DISTRICT COURT OF GUAM**

NOV 13 2007 mba

**JEANNE G. QUINATA
Clerk of Court**

IN THE DISTRICT COURT OF GUAM

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION,) CIVIL CASE NO. 06-00028
Plaintiff,)
)

Plaintiff,

vs.)

LEO PALACE RESORT,

Defendant.)

CIVIL CASE NO. 06-00028

**PLAINTIFF-INTERVENORS'
REQUEST FOR SETTLEMENT
CONFERENCE UNDER LOCAL
RULE 16.6 AND MEMORANDUM
OF POINTS AND AUTHORITIES**

[No Oral Argument Requested]

JENNIFER HOLBROOK,
VIVIENE VILLANUEVA and
ROSEMARIE TAIMANGLO,

Plaintiff-Intervenors,)

vs.)

MDI GUAM CORPORATION dba LEO
PALACE RESORT MANENGGON HILLS
and DOES 1 through 10

Defendant

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ORIGINAL

1 NOW COMES Plaintiff-Intervenors, JENNIFER HOLBROOK, VIVIENE VILLANUEVA
2 and ROSEMARIE TAIMANGLO, by and through their counsel of record, Teker Torres & Teker,
3 P.C., and requests the Court to order a Settlement Conference in the above-captioned and titled case.

4 **I. COURT'S INHERENT POWERS.**

5 The District Courts have substantial inherent powers to manage and control their calendars.

6 *See Link*, U.S. 630-31; *see generally Brockton Sav. Bank v. Peat Marwick, Mitchell & Co.*, 771
7 F.2d. 5, 11 (1st Cir. 1985) (explaining that “the Rules of Civil Procedure do not completely describe
8 and limit the power of District Courts”). This inherent power takes many forms. *See* Federal Rules
9 of Civil Procedure (“FRCP”) 83(b) (providing that judges may regulate practice in any manner
10 consistent with federal law and applicable rules.) By way of illustration and not limitation, a District
11 Court may use its inherent power to compel represented clients to attend pre-trial settlement
12 conferences, even though such a practice is not specifically authorized in the Civil Rules. *See*
13 *Heileman Brewing Co. v. Joseph Oat Corp.*, 871 F.2d. 648, 650 (7th Cir. 1989) (*en banc*).

14 **II. LOCAL RULE 16.6.**

15 Local Rule 16.6 provides that:

16 Any time after an action or proceeding has been filed, any party may file a request for
17 a settlement conference. Such conferences may be held before a neutral judge, or
18 before the assigned judge. If the conference held before the judge trying the case, a
written stipulation of all counsel shall be necessary prior to the settlement conference.
19 Each party attending such conference shall be represented by counsel authorized to
participate in settlement negotiations. The Court may require, by order issued prior
to the settlement conference, the client or its authorized representative to personally
attend the conference.

20
21 Accordingly, the Court has the authority under Local Rule 16.6 to order the parties in this
22 case to enter into a settlement conference at Plaintiff-Intervenors’ request before a neutral or
23 assigned judge. The parties, through counsels, have engaged in settlement negotiations but have not

1 been successful in resolving all differences. A settlement conference presided over by a judge could
2 successfully resolve this case and save future Court resources, however, the conference must
3 commence in good faith and the parties should be required to attend and be authorized and prepared
4 to negotiate a number below what Plaintiff and Plaintiff-Intervenors have offered and above what
5 Defendant has offered.

6 Plaintiff-Intervenors request that the settlement conference be ordered for Friday, November
7 16, 2007 and that it be conducted by the Magistrate Judge instead of the assigned. A conference held
8 on the 16th, if unsuccessful, provides the parties with sufficient time to file the required pleadings
9 due on November 20, 2007 without prejudicing either party in its preparation for the December 4
10 Trial.

11 **III. CONCLUSION.**

12 Understanding that the Court has the inherent power to order non-binding mediation and
13 authority through Local Rule 16.6 to order and require attendance of parties to litigation in a
14 settlement conference, the Plaintiffs request that the Court issue an order requiring the parties to
15 attend a settlement conference before the Honorable Judge Manibusan. This exercise of the Court's
16 inherent power would clearly be suited to the enhancement of the Court's processes, including the
17 orderly and expeditious disposition of this case. In addition, the exercise of this inherent power
18 would not contradict with any applicable statute or rule and, in fact, would be in line with the
19 direction of Local Rule 16.6.

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1 Therefore, Plaintiffs request the Court issue an order requiring the parties to attend a
2 Settlement Conference before the Honorable Judge Manibusan with additional settlement authority
3 to negotiate in good faith.

4 ***Respectfully submitted*** this 8th day of November, 2007.

5 **TEKER, TORRES & TEKER, P.C.**

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7 By: 
8 PHILLIP TORRES, ESQ.
9 Attorneys for Plaintiff-Intervenors,
10 Jennifer Holbrook, Rosemarie
11 Taimanglo and Viviene Villanueva

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